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C O N F I D E N T I A L SECTION 01 OF 03 ISLAMABAD 001475

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SUBJECT: CODEL BIDEN'S MEETING WITH PRESIDENT MUSHARRAF

Classified By: Anne W. Patterson, for reasons 1.4 (b)(d)

¶1. (C) In a February 19 meeting with President Musharraf, Codel Biden congratulated the President on keeping his commitment to hold free and fair elections. Musharraf shared his views on why he believed the deposed judiciary could not be restored, expressed satisfaction with progress against extremist militants, and agreed more forces were needed to reinforce the Pak-Afghan border. While he welcomed a Marshall Plan for Afghanistan, Musharraf said Pakistan also needed more assistance for the tribal areas. End Summary.

¶2. (C) Senators Joseph Biden, John Kerry and Chuck Hagel and Ambassador met February 19 with President Musharraf. Also attending were Senate Foreign Relations Committee Staff Director Tony Blinken, SFRC Staffer Jonah Blank, SFRC Staffer Frank Lowenstein and Deputy Chief of Staff for Sen Hagel Ryon Ryu, and Polcouns (notetaker), Pakistan National Security Advisor Tariq Aziz, MFA Americas Additional Secretary Attiyah Mahmood and the President's Private

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Secretary, Mohsin Hafez.

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¶3. (C) Musharraf opened the meeting by saying that he was prepared to work with the new government as soon as it was formed. He was pleased that the elections were, as he promised, free, fair, transparent and peaceful. The Army was called out but was not needed to control law and order problems. Turnout was between 35-40%.

¶4. (C) Noting his previous conversations with Musharraf, Senator Biden offered his personal thanks to Musharraf for keeping his commitment to hold free and fair elections. This will benefit Pakistan and Musharraf's legacy. Musharraf said the election had created a problem, but corrected himself to say it was a "situation" and that in the interests of Pakistan, he would engage right away with new leaders "if I have a role to play."

¶5. (C) Senator Kerry asked Musharraf to lift restrictions on the judges and lawyers who remained in detention. This was, he said, an opportunity to show that Pakistan was embracing democracy again. Senator Kerry noted it was his belief that democratic government would help in the fight against the militants and would provide the basis for a long-term relationship with the U.S. that was tied to economic goals, not just to the war on terror.

¶6. (C) Musharraf flatly responded that restoration of the judiciary was not legally possible, but freedom of the judiciary was possible. "Three or four of the judges remained in the judges' colony in Islamabad--they were free to return to their homes but were staying for their own reasons." We asked them to vote, asserted Musharraf, and said they could return to their homes. They are not under house arrest. But if they want to call thousands to protest, this is not acceptable. Musharraf said that every time he freed the lawyers from detention, they started agitating. But now there will be a new government, and the lawyers can be free; the new government can decide what to do with them. Musharraf repeated that, legally, the judges cannot be reinstated. The Supreme Court said there were grounds for imposing the state of emergency.

¶7. (C) Senator Biden asked about the feasibility of making new appointments in the future; Musharraf responded that there were a fixed number of judges under the law, but that mandatory retirement could affect some of them. Musharraf then explained the procedure for naming new Supreme Court justices, which included the counsel of the sitting Chief Justice and the Prime Minister who make recommendations to the President. "I just sign" claimed Musharraf.

¶8. (C) Expanding on his theme, Musharraf said the judiciary got itself into "a turmoil" after which the Prime Minister lodged a case against the Chief Justice. Musharraf referred the case to the Supreme Judicial Council, which has the responsibility to examine allegations of misconduct against judges. Then, however, the judges and the lawyers politicized the issue. Months of maneuvering came to a head when the Supreme Court went around the Judicial Council to reinstate the Chief Justice without ever having examined the case. At that point, said Musharraf, "I accepted the reinstatement."

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¶9. (C) Then, said Musharraf, the former Chief Justice "stopped notification of my re-election" as president. He explained that the court challenged the sovereignty of the parliament and kept reconstituting the bench hearing the case. First there were five judges, then seven, then nine, finally eleven. "Do not insist on something that cannot be done" (i.e., reinstatement of the deposed judges), said Musharraf, "as it will only create more controversy." He went to say that "We put the best available judges on the bench to replace the deposed ones. This was their own doing, and if you try to restore them, there will be a clash."

¶10. (C) Senator Kerry then asked about the new parliament and Musharraf's relationship to it. Musharraf said that the PM rules the government, and constitutionally there is no sharing of power with the President. In the past few years, "I was interfering" when they wanted my help or there was a crisis the government could not resolve. "This was informal interference and it was accepted." But, Musharraf explained, that in the future parliament, no one party will have the power to rule so they will have to form a coalition. The power troika, he believed, would consist of the Prime Minister, the President and the Army.

¶11. (C) Ambassador asked Musharraf for his views on how government formation would play out. The President's private secretary said that the Election Commission would notify the

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results, the former Speaker of the National Assembly would call the new parliament into session, and, after taking their oaths, the new Assembly would choose a parliamentary leader/Prime Minister.

¶12. (C) Noting that no election is perfect, Senator Hagel thanked Musharraf for delivering on his promise to hold free

and fair elections. He asked for an assessment on relations with Afghanistan and progress against the extremists. Musharraf acknowledged the increase in suicide bombings, mostly attributed to Baitullah Mehsud and his group in South Waziristan. Otherwise, things were going reasonably well, especially in Swat. Two to three months ago, Musharraf said he did not think would be possible to hold an election in Swat, but the Army has been able to contain the militants under militant leader Maulana Fazlullah. Now, the Army was dealing from a position of strength in North and South Waziristan. We have moved more battalions into the area and have sealed the border. We will not allow al Qaida to continue activities. The Army is doing its best to find Baitullah Mehsud and squeeze him, asserted Musharraf.

(13. C) Musharraf described Pakistan-Afghan relations as improved; both sides had lowered their rhetoric against the other. He had a good meeting in August with President Karzai. There had been a misunderstanding that Pakistan was to blame for all the trouble. This was not true, said Musharraf-- "the militancy is all in Afghanistan but with support from the Pakistan side." According to Musharraf, Karzai claimed it was the reverse, and this was a misperception shared by the U.S. and the West.

¶14. (C) Senator Biden asked what more was needed on the border--increases in ISAF forces and/or the Afghan Army? Musharraf said that certainly more forces were needed to reinforce the border; it was unfair to blame Pakistan for all the cross border traffic. More forces were needed to deal with Mullah Omar in Afghanistan, regardless of whether they were U.S., ISAF, or Afghan troops. On the socio-economic side, more resources were also needed. Musharraf said there was fatigue on the Afghan side but we must persevere. Responding to Senator Biden, Musharraf said he would support a Marshall Plan for Afghanistan, but Pakistan needed more assistance too, especially in the tribal areas. Until 9/11, Musharraf noted, we had ignored the area, which remains medieval. The British had left it that way too.

¶15. (C) Summing up, Musharraf said that the world must not treat Pakistan as if it were Belgium. Most people outside of Pakistan had no idea what the former Chief Justice was doing and no understanding of the need for the state of emergency and the provisional constitutional order. This was a gap in understanding that should be corrected. Senator Biden adeptly turned the conversation back to the future by saying we had an opportunity to make a new start. We could move the

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relationship from a transactional arrangement to one based on support for democracy and economic growth. Senator Biden said in talks with other political parties he had stressed the need to avoid grudges and move forward.

¶16. (U) Codel Biden did not have an opportunity to clear on this message.

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